

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION
AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202**

**Instructions for Development and Submittal of the
State Plan for Vocational Rehabilitation Services
and the
State Plan Supplement for Supported Employment Services**

BACKGROUND INFORMATION

For a State to participate in the State Vocational Rehabilitation Services Program authorized under title I of the Rehabilitation Act of 1973, as amended, (the "act") and the State Supported Employment Services Program under title VI, part B of the Act, it must have an approved title I State plan and title VI, part B supplement to the title I plan.

The title I State plan and its title VI, part B supplement reflect a State's commitment to administer these two formula grant programs in compliance with the provisions of the plan and its supplement, and Federal statutory, regulatory and policy requirements. The plan and its supplement also describe a State's activities related to various administrative and operational considerations connected with these programs. As such, the plan and its supplement serve as key elements in the Rehabilitation Services Administration's (RSA) monitoring of a State's administration of these two programs.

A State has the option of developing and submitting a separate single State plan for the statewide workforce investment system under section 112 of the Workforce Investment Act (WIA) or a State unified plan under section 501(b) of the WIA. A State that chooses to include the title I State plan and its title VI, part B supplement in the State unified plan should follow the instructions issued by the Department of Labor (DOL) with respect to the unified plan and submit the plan to RSA at the same time it is submitted to DOL. If the title I State plan and its title VI, part B supplement are included in the State unified plan, section 501(c)(1) of WIA stipulates that all requirements applicable to the plan and its supplement must be satisfied. In this regard, these instructions provide useful content information for various State plan and supplement requirements.

If a State chooses to submit a separate plan under section 112 of WIA for the statewide workforce investment system or an unified plan under section 501(b) of WIA without including the vocational rehabilitation program in the unified plan, it must submit the title I State plan and its title VI, part B supplement separately to RSA and use the following instructions.

FORMAT AND CONTENT OF THE STATE PLAN AND ITS SUPPLEMENT

The title I State plan and its title VI, part B supplement consist of a preprint in the form of affirmative assurance statements based on Federal statutory, regulatory and policy requirements. The preprint also identifies optional assurances from which the State can choose. The preprint developed for this State plan and supplement was produced by a workgroup comprised of staff representing RSA and State vocational rehabilitation agencies. It is designed to meet all of the applicable legal requirements for the title I State plan and its title VI, part B supplement while reducing burden as much as possible on the States.

In addition to the preprint assurances, the Act and/or the current implementing regulations not affected by the 1998 Amendments to the Act require descriptions of the State's policies, procedures and activities relating to certain assurances in the plan and its supplement. These descriptions provide greater operational detail for certain elements of the assurances and are submitted in the form of attachments to the plan and its supplement. The number of attachments is contingent, to a degree, on the options selected by the State in its preprint assurances. To reduce burden on the States, many former and new stand-alone State plan descriptions have been consolidated. Thus a careful reading of the State plan preprint is necessary to ensure that all applicable State plan descriptions are addressed and submitted.

Consistent with Section 101(a)(1)(B) of the Act, the State is not required to submit any policies, procedures, or descriptions that have been previously approved and demonstrate that the State meets the requirements of title I or title VI, part B of the Act. It is the responsibility of each State agency to determine which previously submitted materials meet these requirements. The Act, however, does require the annual submission of selected State plan descriptions. In addition, other descriptions are required by their very nature to be submitted on an annual basis. Additional information regarding State plan attachments is provided in the section of these instructions entitled **State Plan and Supplement Descriptions**.

PREPARATION OF THE PLAN AND ITS SUPPLEMENT

Preprint Assurances

- (1) The preprint and instructions for the title I State plan and title VI, part B supplement are available in electronic format (WordPerfect 6.1 and ASCII) on the RSA Internet site at www.ed.gov/offices/OSERS/RSA/rsa.
- (2) Since the preprint assurances reflect the State's commitment to comply with applicable Federal statutory, regulatory and policy requirements, the assurance statements are **not** to be modified.
- (3) For optional assurances, indicate the selected option by marking "**Yes**" or "**No**" with an "**X**", or in a listing of options by placing an "**X**" in the appropriate space(s).

- (4) If an assurance requires documentation or implementation of an activity not addressed in any of the required descriptions, supporting documentation and materials must be maintained by the State and made available to RSA and other Federal staff for monitoring purposes.

Attachments

- (1) The purpose of the attachments is to provide clear, **succinct** and informative narratives that describe operational considerations relating to corresponding preprint assurances. Manuals, bulletins, memoranda, budgets, and similar materials are **not** to be submitted unless specifically required or clearly suitable to the purpose of a specific attachment.
- (2) Each attachment is to identify the corresponding section of the preprint, be paginated and show an effective date. The identification is to be placed in the lower right hand corner of the page as follows:

Attachment X: Page 1 of 4 Pages

Effective Date: XXXXX, XX, XXXX

ADOPTION OF POLICIES AND PROCEDURES UNDER THE STATE PLAN AND ITS SUPPLEMENT

Public Participation

Prior to the adoption of any policies or procedures (or any amendment to such policies and procedures) governing the provision of vocational rehabilitation services under the title I State plan or the provision of supported employment services under the title VI, part B supplement to the title I State plan, the designated State agency must conduct public meetings throughout the State, after providing adequate notice of the meetings, to provide the public, including individuals with disabilities, an opportunity to comment on the policies and procedures, and must actively consult with the Director of the client assistance program, and, as appropriate, Indian tribes, tribal organizations, and Native Hawaiian organizations on the policies and procedures.

State Review Process

- (1) The title I State plan and its title VI, part B supplement are subject to the provisions of Executive Order 12372 pertaining to established State processes for review and comment. In a State where the State plan and its supplement are subject to the State review process, it is suggested that a **draft copy** of the materials be submitted to the appropriate RSA Regional Office simultaneously with its submission for State review. This will afford RSA staff the opportunity to review the materials and resolve potential problems prior to the submission of the official State plan materials.

- (2) In a State in which the State plan and supplement are subject to the State review and comment process, the **official** materials should be transmitted to the appropriate RSA Regional Office upon receipt of a response from the State review process, or a minimum of 60 days from the date of submittal to the State's review process, whichever comes first.

TRANSMITTAL OF OFFICIAL STATE PLAN AND SUPPLEMENT MATERIALS

Submission Date

Section 101(a)(1)(A) of the Act requires the submittal of the title I State plan and its title VI, part B supplement on the same date that the State submits its WIA State plan under section 112 of WIA. If a State submits a WIA unified State plan without including the vocational rehabilitation program, RSA expects the title I State plan and its title VI, part B supplement to be submitted to RSA on the same date the State submits its unified plan under section 501(b) of WIA.

Although the Job Training Partnership Act does not expire until July 1, 2000, States have the option of submitting WIA State plans as soon as April 1, 1999, for WIA implementation on July 1, 1999, if they are prepared to do so. Other States that begin the process of preparing for WIA implementation prior to July 1, 2000 can submit WIA State plans soon after April 1, 1999, as late as April 1, 2000, or, at any time in between. Thus a State vocational rehabilitation agency needs to establish and maintain close cooperation, collaboration and communication with the entities in the State responsible for the development and submission of the State plan under WIA to ensure that the title I State plan and its title VI, part B supplement are submitted when the State submits its WIA State plan.

Methods of Submission

The official title I State plan and title VI, part B supplement materials can be submitted either electronically or in hardcopy.

Electronic Transmission

- (1) State agencies are encouraged to submit the title I State plan and title VI, part B supplement materials electronically through the Internet or on diskette using either WordPerfect or ASCII formats.

Internet addresses for the RSA Regional Offices are as follows:

Region I - Boston

John_Szufnarowski@ed.gov

Region VI - Dallas

Loerance_Deaver@ed.gov

Region II - New York

John_Szufnarowski@ed.gov

Region III - Philadelphia

Ralph_Pacinelli@ed.gov

Region IV - Atlanta

Ralph_Pacinelli@ed.gov

Region V - Chicago

Douglas_Burleigh@ed.gov

Region VII - Kansas City

Douglas_Burleigh@ed.gov

Region VIII - Denver

Loerance_Deaver@ed.gov

Region IX - San Francisco

Gilbert_Williams@ed.gov

Region X - Seattle

Gilbert_Williams@ed.gov

- (2) To create a file for electronic transmission, it is requested that the two digit numeric State agency designator code used for the RSA-911 precede the filename "**VRSEPL**" with the date of transmission as the file extension, e.g., West Virginia's State plan transmitted on April 1 would be identified as "48VRSEPL.401".
- (3) In addition to the electronic transmission of the plan, a separate hardcopy transmittal letter signed by the State official authorized to submit the plan and its supplement must be sent to the cognizant Regional Office **and must include section 1 of the plan signed by the State official authorized to submit the plan and its supplement.**

Hardcopy Transmission

- (1) The *original* State plan preprint signed by the State official authorized to submit the State plan and its supplement, and two copies of the signed plan and supplement are to be transmitted to the appropriate RSA Regional Office. An electronic copy of the attachments may be submitted on diskette (WordPerfect 6.1 or ASCII) in lieu of a hardcopy submission.
- (2) A letter transmitting the plan and supplement materials is to be sent to the appropriate RSA Regional Office, signed by the State official authorized to submit the plan and its supplement.

AMENDMENTS TO AN APPROVED STATE PLAN AND SUPPLEMENT

- (1) A State must annually amend its approved State plan or supplement as required by the Act, implementing regulations, or the very nature of a State plan requirement itself.
- (2) A State also must amend its approved State plan or supplement if there is a significant and relevant change that materially affects the:
 - (a) information or assurances in the plan or supplement;
 - (b) administration or operation of the plan or its supplement; or
 - (c) organization, policies, or operations of the State agency that receives the funds under the plan or the supplement.
- (3) The plan or its supplement must also be amended in the instance of a change in State policy or Federal law, including regulations; an interpretation by a Federal court or the highest court in the State of a title I or title VI, part B provision; or, by a non-compliance finding by the RSA Commissioner.

Within this context, each State agency needs to periodically review its approved plan and supplement to ensure its consistency with the State's policies, priorities, and administration relating to its vocational rehabilitation and supported employment programs.

- (4) The procedures applicable to the development and submission of amendments to the approved title I plan and its title VI, part B supplement are the same as those described for the development and submission of the original plan and supplement.
- (5) If, subsequent to the approval of the State plan, a State amends its choice of optional assurances, it must submit the page(s) of the State plan preprint affected by the amendment(s). The amended page(s) should clearly identify which assurance(s) is affected and the effective date(s) of the amendment(s).

INFORMATION ON SELECTED COMPONENTS OF THE PLAN AND ITS SUPPLEMENT

While the following provides information on key title I State plan and title VI, part B supplement provisions, the RSA Regional Offices can be contacted for any needed technical assistance that a State may require. As a product of the State plan streamlining efforts of the joint RSA/State vocational rehabilitation State plan workgroup, a number of attachments have been consolidated thus it is important for each State to carefully read the State plan preprint to determine where attachment provisions are located and whether the provision is applicable.

4.1 Designated State agency and designated State unit

This section of the title I State plan was significantly revised as a result of the Rehabilitation Act Amendments of 1998. The former statutory provision related to the various limited optional organizational settings for the designated State agency responsible for the administration of the title I plan and its title VI, part B supplement was

significantly modified. A State now has the flexibility to locate the designated State vocational rehabilitation agency wherever it chooses within the State organizational structure. In those instances in which the designated State vocational rehabilitation agency is not primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities, such a vocational rehabilitation agency still must have a vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities.

The designated organizational unit must be responsible for the vocational rehabilitation program of the designated State vocational rehabilitation agency and must have a full-time director and staff of whom all or substantially all are employed full time on the rehabilitation work of the organizational unit. In addition, the designated State vocational rehabilitation unit must be located at an organizational level and must have an organizational status within the designated State vocational rehabilitation agency comparable to that of other major organizational units of that agency.

4.2 Summary of Input Provided by the State Rehabilitation Council

Section 101(a)(21)(A)(ii)(III) of the Act requires the State plan or amendment to the State plan to include a summary of input provided by the State Rehabilitation Council, if the designated State vocational rehabilitation unit has a Council. Accordingly, **Attachment 4.2(c)** summarizes the Council's input, including the Council's recommendations from its annual report, the review and analysis of consumer satisfaction, and other reports prepared by the Council. The attachment is also to include the designated State vocational rehabilitation unit's responses to the Council's input and recommendations, including explanations for rejecting any of the Council's input or recommendations.

4.5 Local administration

Section 101(a)(2)(A) of the Act provides the option for the administration of the title I State plan by a local agency under the supervision of the designated State vocational rehabilitation agency. This option provides a State the flexibility to have the title I State plan administered by a local agency(ies), as that term is defined in section 7(24) of the Act, under the supervision of the State vocational rehabilitation agency in a defined political subdivision(s) of the State.

If the State plan provides for local administration, the local agency is responsible, under the supervision of the designated State vocational rehabilitation agency, for the administration of all provisions of the title I State plan within its geopolitical area. The requirement that each local agency is subject to the supervision of the designated vocational rehabilitation State unit means that the State unit is responsible for ensuring that the vocational rehabilitation program of the local agency is administered in accordance with the approved title I State plan. This provision does not require the designated State vocational rehabilitation unit to supervise the day-to-day operations of each local agency ' s program staff.

If this State plan option is selected, the statutory and regulatory provisions that apply to the designated State agency also apply to the local agency. In addition, **Attachment 4.5**,

consistent with the provisions of 34 CFR 361.15, must identify each local agency and describe the methods each local agency uses to administer the vocational rehabilitation program in accordance with the approved title I State plan.

4.6 Statewideness and waivers of statewideness

Section 101(a)(4) of the Act requires that the title I State plan be in effect in all political subdivisions of the State. A State vocational rehabilitation agency, however, may provide a program in one or more political subdivisions that increases or expands the scope of services that are available statewide under the State plan **if** the:

- * non-Federal share of the cost of the services is met from funds provided by **a local public agency, including funds contributed to a local public agency by a private agency, organization, or individual;**
- * services are likely to promote the vocational rehabilitation of substantially larger numbers of individuals with disabilities or of individuals with disabilities with particular types of impairments; and
- * State includes in its State plan, and the Secretary approves, a request for a waiver of the statewideness requirement.

If a State requests a waiver of the statewideness requirement, **Attachment 4.6(a)(3)**, consistent with the requirements of 34 CFR 361.26(b), must:

- * identify the types of services to be provided;
- * contain a written assurance from the local public agency that it will make available to the State unit the non-Federal share of funds;
- * contain a written assurance that State unit approval will be obtained for each proposed service before it is put into effect; and
- * contain a written assurance that all other State plan requirements, including a State's order of selection, will apply to all services approved under the waiver.

Consistent with the provisions of section 101(a)(4)(B) of the Act, if the State cannot provide the full non-Federal share without the use of privately earmarked funds for particular geographic areas within the State, the State is required to notify the RSA Commissioner of this fact but there is no requirement for a waiver of statewideness.

4.7 Shared funding and administration of joint programs

Section 101(a)(2)(A)(ii) of the Act authorizes joint programs in which the designated State vocational rehabilitation agency shares its programmatic and fiscal responsibilities and control with another agency. The focus of such a joint program is not on the expansion of services or the introduction of innovative approaches to the delivery of

services; rather it is on better coordination of existing services of the participating agencies through the mechanism of shared funding and administration of the services.

If a State chooses the option for shared funding and administration, it must describe, consistent with the requirements of 34 CFR 361.27, in **Attachment 4.7(b)** the:

- * nature and scope of the joint program;
- * services to be provided;
- * respective roles of each participating agency in the provision of services and in their administration; and
- * share of the costs to be assumed by each agency.

4.8 Third-party cooperative arrangements involving funds from other public agencies

The regulations at 34 CFR 361.28 authorize a designated State vocational rehabilitation agency to enter into agreements to provide or administer vocational rehabilitation services with other public agencies that furnish part or all of the non-Federal share (match). The regulations identify specific requirements that must be met for such cooperative arrangements to be used as a basis for generating the non-Federal share.

Since third-party cooperative arrangements provide a framework for a cooperating agency to provide vocational rehabilitation services and contribute to a State's non-Federal financial share for the State's vocational rehabilitation program, the designated State vocational rehabilitation unit must retain administrative responsibility for third-party cooperative arrangements. This is one of the key differences between a third-party cooperative arrangement and one in which the designated State vocational rehabilitation unit shares both funding and administrative responsibilities with another agency in a joint project.

If the State agency chooses this option, it must make the following assurances in its State plan.

- * Services provided by the cooperating agency are not the customary or typical services provided by that agency but are new services that have a vocational rehabilitation focus, or are existing services that have been modified, adapted, expanded, or reconfigured to have a vocational rehabilitation focus.
- * Services provided by the cooperating agency are only available to applicants for, or eligible recipients of, services from the designated State vocational rehabilitation unit.
- * Program expenditures and staff providing services under the cooperative arrangement are under the administrative supervision of the designated State vocational rehabilitation unit.

- * All State plan requirements, including a State's order of selection, apply to all services provided under the cooperative program.

4.9 Cooperation, collaboration, and coordination

Subsections 4.9(a) and (b) of the State plan preprint require that the designated State vocational rehabilitation agency has cooperative agreements with other entities that are components of the statewide workforce investment system and also replicates these agreements at the local level between individual offices of the designated State unit and the local entities carrying out activities through the statewide workforce investment system. These agreements, particularly those at the local level, are important mechanisms to ensure effective communication, collaboration, coordination and cooperation between the vocational rehabilitation program and its partners in the statewide workforce investment system.

The Act describes in section 100(a)(1) that the provision of workforce investment activities and vocational rehabilitation services can enable individuals with disabilities, including individuals with the most significant disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities. It also states that linkages between the vocational rehabilitation program and other components of the statewide workforce investment system are critical to ensure effective and meaningful participation by individuals with disabilities in workforce investment activities carried out through one-stop centers established under section 121 of WIA.

Section 121(b)(1)(B)(iv) of WIA identifies the vocational rehabilitation program as a required partner in one-stop activities. As a required partner, the vocational rehabilitation program must make available to participants, through the one-stop delivery system, the core services that are applicable to the vocational rehabilitation program to the extent not inconsistent with the requirements of the Act, and to participate in the operation of the one-stop delivery system consistent with the memorandum of understanding required by section 121(c) of WIA and the requirements of the Act.

The nature and scope of the role of the vocational rehabilitation program in providing the core services in the one-stop delivery system and in participating in the operation of the one-stop delivery system will be shaped by the provisions of the memorandum of understanding. In this regard, it is anticipated that regulations to be developed by DOL, in conjunction with its Federal partners, will clarify the appropriate roles of the one-stop partners both with respect to the provision of core services and participation in the operation of the one-stop delivery system. RSA fully promotes the partnership envisioned in the WIA and encourages and supports the efforts of State vocational rehabilitation agencies to establish effective and productive collaborative relationships with their WIA partners so that individuals with disabilities, particularly individuals with significant disabilities, can benefit from such collaboration.

The purpose of the WIA is the creation of a seamless job training and preparation system to better serve individuals, including individuals with disabilities, in need of services available under the WIA. In support of this intent, the provisions of section 101(a)(11) identify key elements to be considered in the development of the required cooperative agreements between a designated State unit and the other components of the statewide

workforce investment system. The key items identified in the Act for consideration for inclusion in the agreements encompass:

- * provision of intercomponent training and technical assistance on the role, function and requirements of the vocational rehabilitation program so as to promote the equal, effective and meaningful participation by individuals with disabilities in workforce investment activities;
- * use of information and financial management systems that link all components of the statewide workforce investment system;
- * use of customer service features such as common intake and referral procedures, customer databases, resource information, and human services hotlines;
- * establishment of relationships with employers to support the employment of individuals with disabilities, particularly individuals with the most significant disabilities;
- * identification of staff roles, responsibilities, and available resources together with the specification of financial responsibility of each component of the statewide workforce investment system for paying for services; and
- * specification of dispute resolution procedures.

To ensure that individuals with disabilities have complete, equal, effective and meaningful participation in the activities of the statewide workforce investment system, particularly at the local levels through the one-stop centers established under section 121 of WIA, it is exceedingly important that the State vocational rehabilitation agency partner with the other components of the statewide workforce investment system and the local one-stops in the planning and implementation of WIA related activities.

Also, under this State plan section, a variety of required State plan descriptions are consolidated in **Attachment 4.9(c)**. The attachment encompasses descriptions both newly required as a result of the 1998 Amendments to the Act and others that are carried over from the currently approved State plan and supplement and which may not be need to be submitted if they reflect current agency policy and procedures and the requirements of the 1998 Amendments. The descriptions included in this attachment encompass:

- * interagency cooperation with agencies and entities that are not carrying out activities through the statewide workforce investment system;
- * coordination with education officials to facilitate the transition of students with disabilities from school to the receipt of vocational rehabilitation services;
- * cooperative agreements with private non-profit vocational rehabilitation service providers; and

- * collaboration with other State agencies and other entities regarding the provision of supported employment services and extended services for individuals with the most significant disabilities.

4.11 Comprehensive system of personnel development

Attachment 4.11(b) describes the State procedures and activities with respect to the establishment and maintenance of a comprehensive system of personnel development (CSPD) to ensure an adequate supply of qualified professionals and paraprofessionals for the designated State vocational rehabilitation unit.

The description must address all of the CSPD content areas identified in 34 CFR 361.18 and section 4.11(b) of the State plan. Of particular importance are the designated State vocational rehabilitation unit's personnel standards. The agency's standards must be based on the highest requirements in the State applicable to a particular profession. If personnel do not meet that standard, the State plan must identify the steps the State unit is taking to ensure the retraining or hiring of personnel, particularly vocational rehabilitation counselors, so that such personnel meet appropriate professional standards in the State.

The primary factor that RSA will consider in determining the approvability of a State's plan to retrain and/or hire staff, particularly vocational rehabilitation counselors, to meet the highest requirements in the State applicable to a particular profession will be the reasonableness of the plan in terms of the applicable provisions of section 101(a)(7) of the Act and the requirements at 34 CFR 361.18(c) vis-a-vis the particular circumstances of the designated State vocational rehabilitation unit. In addition, RSA will take into consideration the following factors in terms of the extent to which the designated State vocational rehabilitation unit has:

- * established its personnel standards, particularly for vocational rehabilitation counselors, on the highest requirements in the State, or is making progress to that end;
- * analyzed the needs of its staff , particularly vocational rehabilitation counselors, with respect to how many either meet or do not meet the highest requirements in the State applicable to a particular profession;
- * examined factors, such as pay scales or qualified personnel shortages, that may adversely affect its ability to hire qualified staff , and developed a strategy to address such barriers;
- * identified the number of personnel, particularly the number of vocational rehabilitation counselors, who do not meet the required personnel standards and developed a plan to assist such personnel to meet the required standards in a reasonably timely manner;
- * committed funds for the implementation of a retraining plan to assist personnel, particularly vocational rehabilitation counselors, to meet the highest requirements in the State applicable to a particular profession; and

- * evaluated the results of its planned recruitment and retraining efforts to ensure that all personnel, particularly vocational rehabilitation counselors, meet the highest requirements in the State applicable to a particular profession.

Consistent with the requirements of section 101(a)(23) of the Act, the designated State vocational rehabilitation unit must submit to RSA a report containing an *annual* update of the information required by section 101(a)(7) of the Act.

4.12 Assessments; Annual Estimates; Goals and Priorities; Strategies; and Reports of Progress

The Rehabilitation Act Amendments of 1998 consolidated in section 101(a)(15) of the Act many former statutory provisions related to designated State vocational rehabilitation unit assessments and evaluation studies and the strategies to address the findings of those assessments. The Amendments also introduced provisions requiring a State unit to make annual estimates in its State plan of the number of eligible individuals in the State, the number who will receive services under the title I and title VI, part B programs, and the costs of the services. In addition, the Amendments require a designated State unit to identify its goals and priorities, which are to be jointly developed and agreed to by the State Rehabilitation Council, if the State has a Council, for the vocational rehabilitation program and to submit, in conjunction with the Council, to the RSA Commissioner an annual progress report on the improvement of the program=s effectiveness compared to the previous year.

Under this State plan subsection, a variety of required State plan descriptions are consolidated in **Attachment 4.12**. Some of the required descriptions are contingent on the options selected by the State, while there is a new description that is not required by the Act but by the General Education Provisions Act (GEPA). Information on the description required by GEPA can be found at the end of these instructions.

Again, a State will need to determine which descriptions, other than those that must be submitted annually or are newly required as a result of the 1998 Amendments to the Act, that were previously submitted and approved by RSA still reflect current State policies and procedures and meet the requirements of the 1998 Amendments and thus need not be submitted. The attachment is divided into discrete components that include the following descriptions:

- (a) Results of Comprehensive Statewide Assessment of the Rehabilitation Needs of Individuals with Disabilities and Need to Establish, Develop, or Improve Community Rehabilitation Programs
- (b) Annual Estimates of Individuals to Be Served and Costs of Services
- (c) State ' s Goals and Priorities, Including Options Related to the Order of Selection, and Goals and Plans for Distribution of Title VI, Part B Funds
- (d) State ' s Strategies and Use of Title I Funds for Innovation and Expansion Activities to:

- (1) Address Needs Identified in the Comprehensive Assessment and to Achieve Identified Goals and Priorities
- (2) Carry out Outreach Activities to Identify and Serve Individuals with the Most Significant Disabilities Who are Minorities
- (3) Overcome Identified Barriers Relating to Equitable Access to and Participation of Individuals with Disabilities in the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program
- (e) Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use Of Title I Funds for Innovation and Expansion Activities

Consistent with the requirements of section 101(a)(23) of the Act, the designated State vocational rehabilitation unit must submit to RSA a report containing an *annual* update of the information relating to the estimates, goals and priorities, and progress in achieving the identified goals and priorities, and on how the reserved title I funds for innovation and expansion activities were used in the previous year.

4.13 Innovation and Expansion

The Rehabilitation Act Amendments of 1998 deleted the former statutory provisions related to the development and submission to RSA of a strategic plan to expand and improve services to individuals with disabilities. The Act now requires a State unit to reserve and use a portion of the funds allotted to the State under section 110 of the Act for the development and implementation of innovative approaches to expand and improve vocational rehabilitation services to individuals with disabilities under the State plan and/or the support of the State Rehabilitation Council and/or the Statewide Independent Living Council. **Attachment 4.12(d)** describes how the State unit will utilize the reserved funds and **Attachment 4.12(e)** describes how the funds reserved for innovation and expansion activities were utilized in the preceding year.

Consistent with the requirements of section 101(a)(23) of the Act, the designated State vocational rehabilitation unit must submit to RSA a report containing an *annual* update of information relating to the innovation and expansion activities undertaken by the State vocational rehabilitation unit.

4.16 Mediation and Impartial Due Process Hearing

The 1998 Amendments to the Act revised and expanded the methods available to an individual to seek the review of determinations made by personnel of a designated State unit with respect to the provision of vocational rehabilitation services.

If a State does **not** have a fair hearing board that meets the requirements of section 102(c)(6)(A) of the Act, **Attachment 4.16(b)(2)** must identify the State unit's mediation procedures; its due process procedures; and, the procedures to seek an impartial review of the decision of the hearing officer, including the standards for reviewing such decisions, if the State elects to implement this optional impartial review procedure.

If a State has a fair hearing board that meets the requirements of section 102(c)(6)(A) of the Act, **Attachment 4.16(b)(2)** identifies the designated State unit 's mediation procedures, including procedures related to informing applicants and eligible individuals (or, their representatives) of their rights to mediation; when such notification must be provided; and their rights to present evidence and have representation at the mediation session.

6.4 Ability to serve all eligible individuals; order of selection for services.

Sections 12(d) and 101(a)(5) of the Act and 34 CFR 361.36 contain the provisions related to the ability or inability of the State agency to provide the full range of rehabilitation services as identified in section 103(a) of the Act and subsection 5.1 of the State plan to all eligible individuals with disabilities.

If the State agency assures that it can provide the full range of rehabilitation services to all eligible individuals, it must explain in **Attachment 4.12(c)(2)(B)** the basis for this assurance. The explanation must satisfy the requirements of 34 CFR 361.36(a)(2) or (3), as appropriate, and describe how, on the basis of the designated State unit's projected fiscal and personnel resources and its assessment of the rehabilitation needs of individuals with significant disabilities within the State, it will:

- * continue to provide services to all individuals currently receiving services;
- * provide assessment services to all individuals expected to apply for services in the next fiscal year;
- * provide services to all individuals who are expected to be determined eligible in the next fiscal year; and
- * meet all program requirements.

If the State agency makes the determination that it can not provide the full range of rehabilitation services to all eligible individuals, **Attachment 4.12(c)(2)(A)** must contain:

- * the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;
- * a justification of that order of selection; and
- * the service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

6.9 Participation of individuals in cost of services based on financial need.

If the State agency elects to consider the financial need of individuals to determine the extent of their participation in the costs of vocational rehabilitation services, **Attachment 6.9(c)(2)** identifies those services for which there is a financial needs test. The agency's

written policies on determining financial need are **not** to be submitted with this attachment but must be available to RSA staff for monitoring purposes.

STATE PLAN AND SUPPLEMENT DESCRIPTIONS

The Act and/or the implementing regulations require that the title I State plan and its title VI, part B supplement include descriptions related to certain assurances made by the State. These descriptions take the form of attachments and information about the attachments is provided in the discussion under the section of these instructions entitled "**Preparation of the Plan and Its Supplement.**" More specific information relating to some attachments is provided in the section of these instructions entitled "**Information on Selected Components of the Plan and Its Supplement.**"

The following tables identify each attachment and the conditions under which each attachment is to be submitted to RSA. Next to each identified attachment or attachment component is an indication whether the attachment is a:

- o newly required one (*); or
- o one that the agency will need to determine (**) if previously approved by RSA still reflects current agency policies and procedures and also meets the requirements of the 1998 Amendments and need not be submitted; or
- o one that must be submitted on an annual basis (***)

ATTACHMENTS REQUIRED OF ALL AGENCIES

Attachment 4.9(c): Cooperation and Coordination with Other Agencies and Other Entities

- (1) Cooperation with Agencies That Are Not in the Statewide Workforce Investment System and with Other Entities (*)
- (2) Coordination with Education Officials (**)
- (3) Cooperative Agreements with Private Non-profit Vocational Rehabilitation Service Providers (**)
- (4) Evidence of Collaboration Regarding Supported Employment Services and Extended Services (**)

Attachment 4.11(b): Comprehensive System of Personnel Development (***)

Attachment 4.12 Assessments; Estimates; Goals and Priorities; Strategies; and Progress Reports

- (a): Results of Comprehensive Statewide Assessment of the Rehabilitation Needs of Individuals with Disabilities and Need to Establish, Develop, or Improve Community Rehabilitation Programs (**)
- (b): Annual Estimates of Individuals to Be Served and Costs of Services (*/***)

- (c)(1): State ' s Goals and Priorities (*)
- (c)(3): Goals and Plans for Distribution of Title VI, Part B Funds (***)
- (d): State ' s Strategies and Use of Title I Funds for Innovation and Expansion Activities
- (1) To Address Needs Identified in the Comprehensive Assessment and to Achieve Identified Goals and Priorities (*)
- (2) To Carry Out Outreach Activities to Identify and Serve Individuals with the Most Significant Disabilities Who are Minorities (**)
- (3) To Overcome Identified Barriers Relating to Equitable Access to and Participation of Individuals with Disabilities in the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program (*)
- (e): Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use Of Title I Funds for Innovation and Expansion Activities (*/***)
- Attachment 4.16(b)(2):** Mediation and Impartial Due Process Hearing Procedures (*)
- Attachment 7.3:** Quality, Scope, and Extent of Supported Employment Services (**)

ATTACHMENTS CONTINGENT ON OPTIONS SELECTED

- Attachment 4.2(c):** Summary of Input and Recommendations of the State Rehabilitation Council; Response of the Designated State Unit; and Explanations for Rejection of Input or Recommendations (***)
- Attachment 4.5:** Local Administration (**)
- Attachment 4.6(a)(3):** Request for Waiver of Statewideness (**)
- Attachment 4.7(b):** Shared Funding and Administration of Joint Program (**)
- Attachment 4.12(c)(2)(A):** Order of Selection (***)
- Attachment 4.12(c)(2)(B):** Explanation to Support the Decision Not to Establish an Order of Selection (***)
- Attachment 6.9(c)(2):** Services Subject to Financial Needs Test (**)

REPORTING BURDEN FOR COLLECTION OF INFORMATION

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time to review instructions, search existing data sources, gather and

maintain the data needed, conduct public hearings, and complete and review the information collection.

If you have any comments concerning this time burden estimate or related to the collection of information, including suggestions for reducing the burden, please write to:

U.S. Department of Education
Information Management and Compliance Division
Washington, DC 20202-4651

GOVERNMENT PERFORMANCE AND RESULTS ACT

The Government Performance and Results Act of 1993 (GPRA) is a statute that requires all Federal agencies to manage their activities with attention to the consequences of those activities.

Each agency is to clearly state what it intends to accomplish, identify the resources required, and periodically report its progress to Congress. In so doing, it is expected that the GPRA will contribute to improvements in accountability for the expenditure of public funds, improve Congressional decision-making through more objective information on the effectiveness of Federal programs, and promote a new government focus on results, service delivery, and customer satisfaction.

As required by GPRA, the Department of Education has prepared a strategic plan that reflects the Department's priorities and integrates them with the Department's mission and program authorities. The plan also describes how the Department will work to improve education for all children and adults in America. The Department's goals, as listed in the plan, are:

Goal 1: Help all students reach challenging academic standards so that they are prepared for responsible citizenship, further learning, and productive employment.

Goal 2: Build a solid foundation for learning for all children.

Goal 3. Ensure access to postsecondary education and lifelong learning.

Goal 4. Make the Department of Education a high performance organization by focusing on results, service quality, and customer satisfaction.

The performance indicators for the State Vocational Rehabilitation Services Program are part of the Department's plan to achieve Goal 3. Some of the performance indicators for the vocational rehabilitation program include the percentage of individuals obtaining employment and the percentage of individuals obtaining competitive employment.

To obtain a copy of the GPRA standards and indicators for the vocational rehabilitation program, write to:

Ms. Beverlee Stafford, Director
Planning, Policy, and Evaluation
Rehabilitation Services Administration
United States Department of Education
330 "C" Street, S.W., Room 3014
Washington, DC 20202-2250

GENERAL EDUCATION PROVISIONS ACT

Section 427 GEPA requires applicants for new grant awards under Department of Education programs to describe their proposed steps to ensure equitable access to and participation in Federally funded programs for program beneficiaries. Applicants have discretion in developing the required description within the framework of the six types of barriers that GEPA identifies as potential impediments to equitable access or participation in Federally funded programs. The six identified potential barriers are: gender, race, national origin, color, disability, or age.

Based on the unique circumstances in each State, the required description should identify, in a clear yet succinct manner, the steps the designated State vocational rehabilitation agency is taking to overcome the identified barriers relating to equitable access to and participation of individuals with disabilities in the title I program of vocational rehabilitation and the title VI, part B program of supported employment. The description should be addressed in **Attachment 4.12(d)(3)**.

The time to complete this information collection is estimated to average 1.5 hours per response. This estimate includes the time to review instructions, search existing data resources, gather and maintain the needed data, and complete and review the information collection. Comments concerning the accuracy of the time estimates or suggestions for improving this information collection can be sent to:

United States Department of Education
Information Management and Compliance Division
Washington, DC 20202-4651